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9 Attorneys for Defendants
10 AC SQUARE, INC., AFSHIN GHANEH,
11 ANDREW BAHMANYAR

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA
15
16 SAN FRANCISCO DIVISION

17 DANIEL KEATING-TRAYNOR on
18 behalf of himself and all others similarly
19 situated,

20 Plaintiff,

21 v.

22 AC SQUARE, INC.; COMCAST INC.;
23 AFSHIN GHANEH; ANDREW
24 BAHMANYAR; and DOES 1 THROUGH
25 60, inclusive,

26 Defendant.

Case Nos.: 08-cv-2907 MHP;
08-cv-3035 MHP

**[CALIFORNIA ACTION NO. CIV 464144
(CONSOLIDATED BY ORDER OF
COURT WITH CIV 473571)]**

**STIPULATION TO DISMISS FEDERAL
COURT ACTION CASE NO. 08-CV-2907
AND EXTEND TIME TO RESPOND TO
AMENDED CONSOLIDATED
COMPLAINT IN CASE NO. 08-CV-3035**

27 The parties, by and through their respective counsel, hereby stipulate and agree as follows:

28 1. On June 11, 2008, Plaintiff filed an action in Federal Court, Case No. 08-CV-
29 2907, containing two causes of action under the Fair Labor Standards Act.

30 2. On August 11, 2008, Plaintiff filed an Amended Consolidated Complaint in
31 Federal Court, Case No. 08-CV-3035, containing 11 causes of action, including the two causes of
32 action under the Fair Labor Standards Act in the previously filed action in Federal Court, Case No.
33 08-CV-2907.

34 3. Because the Amended Consolidated Complaint encompasses all of the causes
35 of action in the earlier filed action, Case No. 08-CV-2907, Plaintiff hereby agrees and stipulates to
36 dismiss the complaint in Case No. 08-CV-2907 with prejudice, based on stipulation of the parties,

STIPULATION TO DISMISS CASE NO. 08-CV-2907 MHP AND EXTEND TIME TO RESPOND TO
PLAINTIFF'S AMENDED CONSOLIDATED COMPLAINT IN CASE NO. 08-CV-3035 MHP

1 pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

2 4. The parties stipulate that this dismissal of Case No. 08-CV-2907 shall have no
3 effect on Plaintiff's right to pursue his claims, individually or as a putative class representative in any
4 of the three actions already filed, including whether any of them remain in federal court or not and/or
5 are or remain consolidated or not.

6 5. Pursuant to Local Rule 6-1(a), the parties hereby agree that Defendants' time
7 to file responsive pleadings to Plaintiff's Amended Consolidated Complaint shall be extended until
8 ten (10) days after the first case management conference to be held on September 15, 2008, or
9 September 25, 2008.

10 6. All pending motions to dismiss will be heard on September 15, 2008, as set
11 forth in the Court's August 15, 2008 Order.

12 Dated: August 21, 2008

13
14 _____/s/
15 RONALD A. PETERS
16 BENJAMIN EMMERT
17 LITTLER MENDELSON
18 A Professional Corporation
19 Attorneys for Defendants
20 AC SQUARE, INC., AFSHIN GHANEH,
21 ANDREW BAHMANYAR

22 Dated: August 21, 2008

23
24 _____/s/
25 DARYL S. LANDY
26 ANN MARIE REDING
27 MORGAN, LEWIS & BOCKIUS, LLP
28 Attorneys for Defendant COMCAST

1 Dated: August 21, 2008

2
3 /s/
4 DANIEL BERKO
5 LAW OFFICE OF DANIEL BERKO
6 Attorneys for Plaintiffs, DANIEL KEATING-
7 TRAYNOR on behalf of himself and all others
8 similarly situated

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